

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

UNITED STATES OF AMERICA	:	
	:	
-vs-	:	Docket No. 0423 5:12CR00045-001
	:	
JESSE HAMPTON HEISSERMAN	:	
	:	
Defendant.	:	

MOTION FOR CONTINUANCE OF SENTENCING

COMES NOW the Defendant, Jesse Heisserman, by counsel, who moves this Court to continue the sentencing hearing currently scheduled to take place on July 10, 2013, and in support thereof states as follows:

1. As the Court will recall, the Defendant, Jesse Heisserman, entered a guilty plea to a single count of computer solicitation in violation of section 18 U.S.C. § 2422(b) on January 2, 2013. Sentencing was originally scheduled to take place on May 15, 2013. However, the Court ordered that the sentencing be continued until July 10, 2013. The undersigned, as additional counsel for Mr. Heisserman, has been reviewing the nature and circumstances of the plea in this case, the plea agreement calling for the imposition of a 25 year sentence to serve, the prior threat of State charges, as well as the overall facts and circumstances of what did and did not occur in this case.

2. Counsel has met with Mr. Heisserman on several occasions, reviewed the presentence report with Mr. Heisserman, and has discussed the case in detail with him and his family.

3. As the Court knows with the presentence report herein, the sentence called for under the plea agreement suggests the imposition of a sentence far, far above the low end of the sentencing guidelines, whether with application of the overstated criminal history level IV due to two prior DUI convictions and being on unsupervised probation for possession of marijuana, or not. The facts in this case are unusual, as was the interaction between the defendant and complaining witness that led to Mr. Heisserman being present at the Fisherville, Virginia motel.

4. Given the circumstances, consideration is being given to a possible Motion to Withdraw the Guilty Plea in this case. As of this time that decision has not been finalized as Mr. Heisserman goes through the truly demanding ordeal of making such a request to this Court, which if granted, would predictably expose him to the threat of an Augusta County prosecution and claims that he could be convicted on one or more mandatory life counts in that jurisdiction. On the other hand, Mr. Heisserman is faced with a most demanding sentence by this Court.

5. Mr. Heisserman and the undersigned seek this Court to postpone the sentencing hearing and set a reasonable date within the next 30 days for counsel to advise whether or not Mr. Heisserman will be filing a Motion to withdraw his prior guilty plea. Counsel understands it is important for these matters to have finality. However, a 25 year sentence out of the unusual facts of this case, to be imposed based upon a threat by State prosecutor reasonably calls for additional review and time to be absolutely sure given the consequences of his decision, as to how he proceeds.

WHEREFORE, it is respectfully requested that the Court continue this matter for notice to be given within 30 days as to how Mr. Heisserman wants his counsel to proceed. At that time a hearing will be set down for either sentencing or a hearing on an appropriate Motion to Withdraw the Guilty Plea entered herein.

Respectfully Submitted,
JESSE HEISSERMAN,
By Counsel

Counsel for the Defendant:

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July, 2013, I will electronically file the foregoing with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to the following:

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